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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTHONY FESTA,

Plaintiff,

v.

HIGH DESERT STATE PRISON, *et al.*,

Defendants.

Case No.: 2:17-cv-03038-JAD-NJK


Order Dismissing Case

[ECF Nos. 1, 4, 5]

Pro se plaintiff Anthony Festa filed this civil-rights action in December 2017 seeking damages for Fourteenth Amendment violations he claimed he was suffering because he was not receiving the same job and rehabilitation opportunities afforded other inmates at Nevada's High Desert State Prison. Festa filed an application to proceed *in forma pauperis*, but before the court screened his complaint, Festa filed two identical motions to voluntarily dismiss this case.¹

Federal Rule of Civil Procedure 41(a)(1) allows a plaintiff to dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). Because no responsive pleading has been filed in this case, I grant Festa's motions and dismiss this action without prejudice.

IT IS THEREFORE ORDERED that the motions for voluntary dismissal [ECF Nos. 4, 5] are granted; the application to proceed *in forma pauperis* [ECF No. 1] is denied as moot; and the Clerk of the Court IS DIRECTED to ENTER JUDGMENT accordingly and CLOSE THIS CASE.



U.S. District Judge Jennifer A. Dorsey
Dated: December 2, 2018

¹ ECF Nos. 4, 5.